

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

BREE McCLESKEY

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V.

* Civil Action No. 1:20-CV-00166

TOLTECA ENTERPRISES INC.,
DBA PHOENIX RECOVERY GROUP
& TRAVELERS CASUALTY AND SURETY
CO. OF AMERICA

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UNOPPOSED MOTION TO RESET AND EXTEND SCHEDULING DEADLINES

Defendant Tolteca and Defendant Travelers, ask the court to reset and extend the current scheduling order. The current scheduling order is no longer workable.

This request is made because new party Defendants have been joined in this lawsuit and have not yet filed an appearance or answer in this cause.

The new parties are: Georgetown Place Apartments and Singer Management LLC.

The new parties will have discoverable information, witnesses, experts, and other pleadings and motions that are relevant and material to the matters raised in this lawsuit. Therefore, so everyone involved in this litigation has a fair opportunity to develop the discovery and issues in this lawsuit, the existing scheduling order should be revised and new deadlines set.

Movants ask the court to reset the discovery deadline from December 25, 2020 to February 26, 2021 and the dispositive motion deadline should be reset from December 25, 2020 to February 26, 2021. The designation of testifying and rebuttal experts should be reset also. The new parties should be given a new deadline by which to amend or supplement pleadings.

The court should set the case for final pretrial conference at a later time and set the date for jury trial as it may determine is reasonable and fair to all parties.

Respectfully submitted,

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Defendants

CERTIFICATE OF CONFERENCE

The foregoing motion was discussed with Plaintiff's counsel who said the motion was unopposed.

S/Tom Clarke

CERTIFICATE OF SERVICE

The foregoing motion and proposed order was e-filed on December 17, 2020 with the court's ECF/CM electronic filing system which will give electronic notice to Brent Devere, Attorney for the Plaintiff.

S/Tom Clarke

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ORDER

The court finds and is of the opinion that the existing Scheduling Order should be revised and the current deadlines should be reset and extended.

The new Defendants, Georgetown Place and Singer Management LLC shall file all motions to amend or supplement their pleading by _____, 2021.

The parties asserting claims for relief shall file their designation of testifying experts and serve, but not file, the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) on or before _____, 2021. Parties resisting claims for relief shall file their designation of testifying experts and serve, but not file, the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) on or before _____, 2021.

All parties shall file their designations of rebuttal experts and serve, but not file, the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) on or before _____, 2021, to the extent not already served, 15 days from the receipt of the report of the opposing expert.

Any objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the objection and identifying the

objectionable testimony, within 11 days from the receipt of the written report of the expert's proposed testimony, or within 11 days from the completion of the expert's deposition, whichever is later.

All dispositive motions shall be filed on or before February 26, 2021 and shall be limited to 20 pages. Responses shall be filed and served on all parties not later than 14 days after the service of the motion and shall be limited to 20 pages. Any replies shall be filed and served on all parties and shall be limited to 10 pages.

The court will set this case for final pretrial conference and jury trial later.

Signed on _____.

United States Magistrate Judge